

Kings County Elections Department

December 9, 2021

SUMMARY

The 2021-2022 Kings County Grand Jury conducted an investigation of the Kings County Election's Department. The focus of the review was to determine how the department was functioning.

The public has great concern regarding the State policy of being sent a ballot, the integrity of voting, and the vote by mail that is taking place in California as a whole. There are also questions regarding the equipment and processes of elections including signature verification.

BACKGROUND

The Kings County Elections Department is the agency that provides voter registration, voter outreach, and the tabulation of ballots in elections. They are also responsible for the storage of used ballots and envelopes for 22 months.

The public can register to vote anytime including the day of the election. Those votes are counted as conditional ballots and stored until the registration information is validated and then processed. Voter eligibility is ultimately determined by the Secretary of State's Office.

Equipment that is used in the Elections Department has previously been selected and approved by the California Secretary of State. The current equipment is the Dominion 5.1 system which was also approved by the Kings County Board of Supervisors. A computer is used to compare signatures and an additional piece of equipment to open ballots.

An "air gap" system is used in the Kings County Elections Office. An "air gap" system is a network security measure employed on one or more computers to insure that a secure computer network is physically isolated from unsecure networks such as the public internet or unsecured local area networks. There are four poll pads (iPads) at every polling place that have replaced the old paper voter lists.

The Voter Choice Act (VCA) Model exists and is a goal to implement by the Kings County Elections Department. It requires that every registered voter receives a mail-in ballot 28 days before the election. There are three ways for the ballot to be returned which are: mail in, drop the ballot off in a secure county ballot drop box or visit any voter center in the County of Kings.

Traditional polling places will be replaced by vote centers. Voters will have the ability to cast a ballot in person at any vote center in their county instead of being required to vote at a single assigned polling location.

Starting 28 days before Election Day, there would be at least one drop off location for every 15,000 registered voters. Drop off locations must be secure, accessible to voters with disabilities, and located as near as possible to public transportation. Counties would also be required to hold educational workshops and adopt the model through an open, public process.

METHODOLOGY

This investigation was conducted by on-site observation of the elections department before and during the recall election of the California governor. Members of the Grand Jury took turns visiting the elections department before, during and after the election to learn about and observe the processes that take place during the election. This includes receiving of ballots, time stamping, signature verification, opening of the ballots, the duplication of damaged ballots, the tabulation process, and the storing of used envelopes and ballots. The Grand Jury also had the Kings County Registrar of Voters meet with the Grand Jury to answer additional questions about the department's processes and procedures. All questions were answered honestly, openly and with conviction. The Registrar shared that during the recall election 61,000 ballots were sent out but only 31,000 were returned and that after every election 1% of the cast ballots are hand counted to help validate the election results. The Registrar of Voters takes great pride in his efforts to run the elections department openly and with integrity.

DISCUSSION

The Kings County Elections Department is headed by the Registrar of Voters which is an appointed position and selected by the Kings County Board of Supervisors. The current Registrar was appointed to the position in July of 2019. Prior to his selection as Kings County Registrar of Voters, the Registrar worked for 25 years in other departments for the County of Kings.

There are currently 5 employees working in the Elections Department with one vacancy yet to be filled. Employees have frequent training which includes signature verification methods taught by ex-FBI agents.

Signature verification is done by an employee comparing the signature on the ballot envelope by eye to the signature of the voter's original registration card. The only time two employees do signature comparison is when there is a question or doubt about the signatures matching. The voter can be contacted if further verification is needed.

If a ballot is damaged in the tabulation process, a new ballot can be made. Two employees are required for the duplication of the damaged ballot and both the damaged ballot and the newly printed ballot are kept on file.

The elections department is notified by the Department of Motor Vehicles (DMV) when residents apply for a driver's license or apply for a change of address. They are also notified when a person is declared deceased. Ultimately it is the responsibility of the voter to reregister when they move which includes moving out of Kings County.

The Registrar does not handle ballots, compare signatures or do tabulating. His responsibility is that of management to make sure that the department operates efficiently and properly. A cataloging system has also been installed to know where cast ballots are stored in order to be able to retrieve a particular ballot if needed. A penetration test was also conducted to see where the system could be vulnerable. His goal is to complete a Policy and Procedures Manual which is currently in progress.

The Registrar has plans to implement the Voter Choice Act (VCA) which allows polling places to be open Saturday, Sunday, Monday, and Tuesday (Election Day). A requirement is the establishment of a language committee and an accessibility committee. This would also allow the public to vote anywhere in their county, not just in an assigned precinct.

During a challenge of any election results, a forensic audit could be ordered by a Judge. This process opens the tabulation equipment and destroys its integrity. New equipment must then be purchased.

FINDINGS AND RECOMMENDATIONS

Finding 1

There is urgent need to help establish credibility for the Elections Department which could be provided by a Policy and Procedures Manual.

Recommendation 1

Complete the work on a Policy and Procedures Manual before the next election.

Finding 2

There is a vacancy in the department.

Recommendation 2

Fill the vacant position as soon as possible but before the next election.

Finding 3

Penetration testing has been done.

Recommendation 3

Do penetration testing more frequently.

Finding 4

Verifying signatures is of utmost importance to establish credibility.

Recommendation 4

Explore using some American Recovery Act moneys to invest in new equipment that will date stamp, verify signatures and open envelopes with a single machine.

Finding 5

Only 50% of registered voters voted in the last election.

Recommendation 5

Conduct additional community outreach to encourage more citizens to vote.

REQUIRED AND INVITED RESPONSES

California Penal Code §933 provides in part: "... within 90 days of receipt of a report the public agency shall submit its response to the presiding judge. If the report is on an elected public official, the response shall be submitted to the presiding judge within 60 days of receipt..."

Kings County Registrar of Voters
County of Kings Board of Supervisors

SEND FINAL REPORT RESPONSES TO:

Original to:
Shane Burns, Presiding Judge
Kings County Superior Court
1640 Kings Court Drive
Hanford, CA 93230

Copy to:
Kings County Grand Jury
Post Office Box #1562
Hanford, CA 93232

